

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 12 2019 ★

In re PAYMENT CARD INTERCHANGE :  
FEE AND MERCHANT DISCOUNT :  
ANTITRUST LITIGATION :

BROOKLYN OFFICE  
No. 05-MD-01720 (MKB) (JO)

**STATEMENT OF OBJECTIONS OF CLASS MEMBER [FILL IN COMPANY NAME]**

**ARIZONA TRAILS, INC.** (hereinafter "Company") accepted Visa and Mastercard transaction cards between 2004 and the present date. Company is a member of the Rule 23(b)(3) settlement class in this case, and it has not engaged in any other settlement of its claims against Visa and/or Mastercard. Company hereby submits its objections to the proposed settlement preliminarily approved by the Court in January of this year.

Company is located at **ARIZONA TRAILS, INC., P. O. BOX 1059, FLAGSTAFF, AZ 86002**. Company is a petroleum marketer engaged in the wholesale and retail sale of branded motor fuels. Since **1978**, it has accepted Visa and Mastercard transaction cards at retail service station and convenience store locations. Motor fuels at these locations have been sold under the **SHELL & TEXACO** brands since 2004, and the credit card transactions at each location were processed by the applicable branded supplier.

Company is concerned that the Court will concur in the arguments of Defendants that certain major oil company branded suppliers are entitled to file claims against the settlement fund for transactions at retail locations where Company accepted the applicable Visa or Mastercard transaction cards and paid the interchange fees. Company understands that the Court has indicated that class counsel cannot represent both the branded suppliers and branded marketers, like Company, because only one of the two groups is entitled to settlement funds attributable to Company's retail locations. None of the class representatives were branded marketers, and branded marketer interests were not represented when the settlement was negotiated. Nor are they adequately represented now by a conflicted class counsel who are incapable of asserting branded marketer interests when they conflict with the interests of major oil companies.

As of now, Company is totally in the dark as to whether, having accepted the cards and paid the interchange fees, it is part of the settlement class, whether it is entitled to a full or partial recovery, or whether any mechanism is in place to sort all of this out. Nothing in the Class Notice states whether Company or its branded supplier (whose fuel Company sells) have a right to recover for transactions at these locations. In short, Company is concerned that it is being deprived of its legal right to fully participate in the settlement.

In addition to not knowing what recovery Company may be entitled to as part of the class settlement, we do not believe that proper efforts are being made to notify branded marketers, like Company, so that they can object to the settlement. **Company is aware that a Class Notice has gone out but it was not mailed a copy by the Claims Administrator.** The names and addresses

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★ 903 21 101 ★

FRANCIS CORP INC STATE OF CALIFORNIA  
2500 WEST 101ST STREET

[illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 01-11-2001 BY 60322 UCBAW

1. The first step in the process of identifying a potential security threat is to conduct a thorough review of the organization's security policies and procedures. This review should be conducted by a qualified security professional who is familiar with the organization's operations and the current threat landscape.

[illegible]

1. The undersigned, being duly sworn, deposes and says that the within copy of the letterhead memorandum is a true and correct copy of the original letterhead memorandum as the same appears in the files of the Federal Bureau of Investigation, Department of Justice, and that the same is a true and correct copy of the original letterhead memorandum as the same appears in the files of the Federal Bureau of Investigation, Department of Justice.

1. The first step in the process of identifying a potential threat is to determine the nature of the threat. This can be done by reviewing the threat's history, its current status, and its potential impact. Once the nature of the threat is understood, the next step is to identify the threat's source. This can be done by reviewing the threat's communication channels, its funding sources, and its organizational structure. Once the source of the threat is identified, the next step is to assess the threat's capabilities. This can be done by reviewing the threat's resources, its personnel, and its technology. Once the threat's capabilities are assessed, the next step is to develop a response plan. This plan should outline the steps that will be taken to prevent the threat from occurring, to minimize its impact, and to recover from its effects. Finally, the response plan should be implemented and monitored to ensure that it is effective.

[illegible]

of branded petroleum marketers, like Company, can be obtained by the Claims Administrator from the branded suppliers.

Branded marketers should be informed *now* whether a procedural mechanism will be put in place to determine whether, and to what extent, branded marketers will participate in the settlement, what evidence they need to present, and whether there will be procedural hurdles they need to overcome to claim their rights as class members. Unless and until these issues are addressed and properly resolved by the Court, Company respectfully objects to the class settlement.

Respectfully submitted,

**ARIZONA TRAILS, INC.**

**By: William Sharber**

  
Vice-President

of printed information materials. The Company can be identified by the name and location from the printed information materials.

It was determined that the Company's website, www.comcast.com, is a source of information for the public. The website contains information about the Company's services, products, and financial performance. The website also contains information about the Company's corporate governance and social responsibility. The website is a source of information for the public and is used by the Company to disseminate information about its business.

Respectfully,  
[Signature]

DATE: 07/12/19

By: William J. [Name]

Witness:  
[Signature]